

2005 DRAFTING REQUEST**Bill**

Received: 11/01/2004

Received By: **gmalaise**Wanted: **As time permits**

Identical to LRB:

For: **Carol Owens (608) 267-7990**By/Representing: **Jacque Dicks**This file may be shown to any legislator: **NO**Drafter: **gmalaise**

May Contact:

Addl. Drafters:

Subject: **Children - abuse and neglect**

Extra Copies:

Submit via email: **YES**Requester's email: **Rep.Owens@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Child abuse and neglect prevention brochure

Instructions:

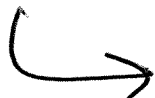
See Attached--redraft 03-0393/1.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	gmalaise 11/01/2004	lkunkel 12/02/2004					S&L
/1			pgreensl 12/02/2004		lemery 12/02/2004	lemery 04/07/2005	

FE Sent For:

<END>


 At Intro.

2005 DRAFTING REQUEST

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See Attached--redraft 03-0393/1.

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/?

gmalaise

1 Ink 11/23

11/8/12/2

12/2

p8 <END> p8/15

FE Sent For:

Malaise, Gordon

From: Dicks, Jacquie
Sent: Friday, October 29, 2004 12:35 PM
To: Malaise, Gordon
Subject: Drafting Request for Representative Owens

Gordon,

Here is a list of proposals that Representative Owens would like to introduce for the 2005-06 legislative session:

- Re-drafts from 2003-04 session:

2) LRB-0393/1, relating to child abuse and neglect prevention brochure.

Thank you for your assistance to this request. If you have any questions, please feel free to either call or email me.

Jacquie Dicks

Research Assistant
Office of Rep. Carol Owens
315 North, State Capitol; P.O. Box 8953
Madison, WI 53708
Phone # (608) 267-7990 or 1-888-534-0053
Jacque.Dicks@legis.state.wi.us

0628 / 1

12/2 if possible

mk:icj

2003 BILL

LPS: PLS PWF

Reben

- 1 AN ACT *to amend* 767.24 (8); and *to create* 118.019 (2) (dm) and 253.15 of the
- 2 statutes; **relating to:** requiring the Department of Health and Family Services ✓
- 3 to prepare and distribute informational materials describing the duty of a
- 4 parent to provide protection, care, supervision, and support for the parent's
- 5 child and the possible legal consequences of a failure to perform that duty and
- 6 listing agencies that provide services for children and families. ✓

Analysis by the Legislative Reference Bureau

Under current law, a parent has the duty to provide protection, care, supervision, and support for the parent's child. ✓ Currently, a parent who abandons his or her child, permits his or her child to be abused, or neglects his or her child is subject to the Child in Need of Protection or Services (CHIPS) jurisdiction of the court assigned to exercise jurisdiction under the Children's Code (juvenile court), ✓ which may, among other dispositions, remove the child from the home to protect the health and safety of the child. ✓ Similarly, the juvenile court may terminate the parental rights of a parent who abandons or abuses his or her child, fails to assume parental responsibility for his or her child, or meets certain other grounds. ✓ Moreover, a parent may also be subject to criminal liability for failing to protect his or her child from sexual assault, physical abuse, mental harm, sexual exploitation, or incest, ✓ for abandoning, neglecting, or failing to support his or her child, ✓ or for contributing to the delinquency or truancy of his or her child. ✓

BILL

This bill requires the Department of Health and Family Services (DHFS) to prepare and distribute informational materials describing the duty of a parent to provide protection, care, supervision, and support for the parent's child, describing the possible legal consequences of a failure to perform that duty, and listing, by geographical region, all public and private agencies that provide services for children and families. The possible legal consequences described by the materials must include the removal of the child from the home as a result of a CHIPS disposition; the involuntary termination of the parent's parental rights to the child; criminal liability for failing to protect the child from sexual assault, physical abuse, mental harm, sexual exploitation, or incest; criminal liability for abandoning, neglecting, or failing to support the child; and criminal liability for contributing to the delinquency or truancy of the child. DHFS must distribute those informational materials to all hospitals and maternity homes, which must provide a copy of the materials to the parents of all children born at or on route to the hospital or maternity home; to all nurse-midwives, who must provide a copy of the materials to the parents of all children whose birth is attended by the nurse-midwife; to all circuit courts, which must provide a copy of the materials to all persons whose legal custody or physical placement rights to a child have been determined by the circuit court; and to all school boards that provide instructional programs in human growth and development, which may include those materials in the curriculum for the program.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 118.019 (2) (dm) of the statutes is created to read:

118.019 (2) (dm) The duty of a parent to provide protection, care, supervision, and support for the parent's child and the possible legal consequences of a failure to perform that duty. The instruction provided under this paragraph shall be based on the informational materials prepared under s. 253.15.

SECTION 2. 253.15 of the statutes is created to read:

253.15 Information relating to parental duties. (1) The department shall prepare and distribute informational materials describing the duty of a parent to provide protection, care, supervision, and support for the parent's child, describing the possible legal consequences of a failure to perform that duty, and listing, by

BILL

1 geographical region, all public and private agencies that provide services for children
2 and families. The possible legal consequences that the materials must describe shall
3 include all of the following: ✓

4 (a) Removal of the child from the home under s. 48.345 (3) or 938.34 (3). ✓

5 (b) Involuntary termination of the parent's parental rights under s. 48.415. ✓

6 (c) 1. Criminal liability under s. 948.02 (3), 948.03 (4), 948.04 (2), 948.05 (2),
7 or 948.06 (2) for failing to protect the child from sexual assault, physical abuse,
8 mental harm, sexual exploitation, or incest. ✓

9 2. Criminal liability under s. 948.20, 948.21, or 948.22 for abandoning,
10 neglecting, or failing to support the child. ✓

11 3. Criminal liability under s. 948.40 or 948.45 for contributing to the
12 delinquency or truancy of the child. ✓

13 (2) The department shall distribute the materials prepared under sub. (1) to
14 all hospitals and maternity homes, which shall provide a copy of the materials to the
15 parents of all children born at or on route to the hospital or maternity home, to all
16 nurse-midwives licensed under s. 441.15, who shall provide a copy of the materials
17 to the parents of all children whose birth is attended by the nurse-midwife, to all
18 circuit courts, which shall provide a copy of the materials to all persons whose legal
19 custody or physical placement rights to a child have been determined by the circuit
20 court and to all school boards that provide instructional programs in human growth
21 and development under s. 118.019, which may include the materials in the
22 curriculum for the program. ✓

23 **SECTION 3.** 767.24 (8) of the statutes is amended to read: ✓

24 767.24 (8) NOTICE IN JUDGMENT, PROVISION OF PARENTAL DUTY INFORMATION. A ✓

25 judgment which determines the legal custody or physical placement rights of any

that

BILL

(1)

1 person to a minor child shall include notification of the contents of s. 948.31. When
2 a judgment determining the legal custody or physical placement rights of a person
3 to a minor child is granted, the court shall provide to that person a copy of the
4 informational materials prepared under s. 253.15 describing the duty of a parent to
5 provide protection, care, supervision, and support for the parent's minor child and
6 the possible legal consequences of a failure to perform that duty.

SECTION 4. Nonstatutory provisions.

8 (1) PREPARATION AND DISTRIBUTION OF INFORMATIONAL MATERIALS. By the first day
9 of the 4th month beginning after the effective date of this subsection, the department
10 of health and family services shall prepare the informational materials specified in
11 section 253.15 (1) of the statutes, as created by this act, and distribute those
12 materials as required under section 253.15 (2) of the statutes, as created by this act.

SECTION 5. Initial applicability.

14 (1) PROVISION OF INFORMATIONAL MATERIALS.

15 (a) The treatment of sections 118.019 (2) (dm) and 253.15 (2) (with respect to
16 the provision of instructional programs in human growth and development) of the
17 statutes first applies to instructional programs provided in the ~~2003-04~~ school year.

18 (b) The treatment of section 253.15 (2) (with respect to the provision of
19 informational materials to the parents of newborn children) of the statutes first
20 applies to children born on the first day of the 4th month beginning after the
21 effective date of this paragraph.

22 (c) The treatment of sections 253.15 (2) (with respect to the provision of
23 informational materials to persons whose legal custody or physical placement rights
24 to a child have been determined by the circuit court) and 767.24 (8) of the statutes
25 first applies to persons whose legal custody or physical placement rights to a child

(END)

2003 DRAFTING REQUEST**Bill**Received: **10/09/2002**Received By: **gmalaise**Wanted: **As time permits**

Identical to LRB:

For: **Carol Owens (608) 267-7990**By/Representing: **Jacque Dick**This file may be shown to any legislator: **NO**Drafter: **gmalaise**

May Contact:

Addl. Drafters:

Subject: **Children - abuse and neglect**

Extra Copies:

Submit via email: **YES**Requester's email: **Rep.Owens@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Child abuse and neglect prevention brochure

Instructions:

See Attached--redraft2001 AB 930

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	gmalaise 10/10/2002	jdyer 10/24/2002					S&L
/1			swatkins 10/24/2002		lemery 10/24/2002	amentkow 11/06/2002	

Handwritten signatures and initials are present over the Drafting History table, including a large signature over the 'Typed' column for version /1 and initials 'PS' and 'PS' over the 'Typed' and 'Submitted' columns for version /1.

11/06/2002 01:55:36 PM

Page 2

FE Sent For:

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/?	gmalaise 10/10/2002	jdye 10/24/2002					S&L
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10/24/2002 11:52:59 AM

Page 2

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FE Sent For:

<END>

Malaise, Gordon

From: Dicks, Jacque
Sent: Tuesday, October 08, 2002 4:22 PM
To: Malaise, Gordon
Subject: Drafting Request for Rep. Owens

Mr. Malaise,

This e-mail serves as a "Bill Request Form" from Rep. Owens to re-introduce 2001 Assembly Bill 930 for the 2003-04 session.

Rep. Owens would also like to re-introduce 2001 Assembly Bill 306 (relating to underage drinking). Since the drafting attorney is no longer with the LRB who worked on this legislation, can you also submit or pass along this request to the proper drafting attorney?

Thank you for your prompt attention to this request.

Jacque Dicks
R.A. to Rep. Owens

2003

2001 ASSEMBLY BILL 930

March 14, 2002 - Introduced by Representatives OWENS, KRAWCZYK, LASSA, AINSWORTH and SYKORA. Referred to Committee on Children and Families.

Regen

- 1 AN ACT *to amend* 767.24 (8); and *to create* 118.019 (2) (dm) and 253.15 of the
2 statutes; **relating to:** requiring the department of health and family services
3 to prepare and distribute informational materials describing the duty of a
4 parent to provide protection, care, supervision, and support for the parent's
5 child and the possible legal consequences of a failure to perform that duty and
6 listing agencies that provide services for children and families.

Analysis by the Legislative Reference Bureau

* Under current law, a parent has the duty to provide protection, care, supervision, and support for the parent's child. Currently, a parent who abandons his or her child, permits his or her child to be abused, or neglects his or her child is subject to the child in need of protection or services (CHIPS) jurisdiction of the court assigned to exercise jurisdiction under the Children's Code (juvenile court), which may, among other dispositions, remove the child from the home to protect the health and safety of the child. Similarly, the juvenile court may terminate the parental rights of a parent who abandons or abuses his or her child, fails to assume parental responsibility for his or her child, or meets certain other grounds. Moreover, a parent may also be subject to criminal liability for failing to protect his or her child from sexual assault, physical abuse, mental harm, sexual exploitation, or incest, for abandoning, neglecting, or failing to support his or her child, or for contributing to the delinquency or truancy of his or her child.

ASSEMBLY BILL 930

This bill requires the department of health and family services (DHFS) to prepare and distribute informational materials describing the duty of a parent to provide protection, care, supervision, and support for the parent's child, describing the possible legal consequences of a failure to perform that duty, and listing, by geographical region, all public and private agencies that provide services for children and families. The possible legal consequences described by the materials must include the removal of the child from the home as a result of a CHIPS disposition; the involuntary termination of the parent's parental rights to the child; criminal liability for failing to protect the child from sexual assault, physical abuse, mental harm, sexual exploitation, or incest; criminal liability for abandoning, neglecting, or failing to support the child; and criminal liability for contributing to the delinquency or truancy of the child. DHFS must distribute those informational materials to all hospitals and maternity homes, which must provide a copy of the materials to the parents of all children born at or on route to the hospital or maternity home; to all nurse-midwives, who must provide a copy of the materials to the parents of all children whose birth is attended by the nurse-midwife; to all circuit courts, which must provide a copy of the materials to all persons whose legal custody or physical placement rights to a child have been determined by the circuit court; and to all school boards that provide instructional programs in human growth and development, which may include those materials in the curriculum for the program.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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2 118.019 (2) (dm) The duty of a parent to provide protection, care, supervision,
3 and support for the parent's child and the possible legal consequences of a failure to
4 perform that duty. The instruction provided under this paragraph shall be based on
5 the informational materials prepared under s. 253.15.

6 **SECTION 2.** 253.15 of the statutes is created to read:

7 **253.15 Information relating to parental duties.** (1) The department shall
8 prepare and distribute informational materials describing the duty of a parent to
9 provide protection, care, supervision, and support for the parent's child, describing
10 the possible legal consequences of a failure to perform that duty, and listing, by

ASSEMBLY BILL 930

1 geographical region, all public and private agencies that provide services for children
2 and families. The possible legal consequences that the materials must describe shall
3 include all of the following:

4 (a) Removal of the child from the home under s. 48.345 (3) or 938.34 (3).

5 (b) Involuntary termination of the parent's parental rights under s. 48.415.

6 (c) 1. Criminal liability under s. 948.02 (3), 948.03 (4), 948.04 (2), 948.05 (2),
7 or 948.06 (2) for failing to protect the child from sexual assault, physical abuse,
8 mental harm, sexual exploitation, or incest.

9 2. Criminal liability under s. 948.20, 948.21, or 948.22 for abandoning,
10 neglecting, or failing to support the child.

11 3. Criminal liability under s. 948.40 or 948.45 for contributing to the
12 delinquency or truancy of the child.

13 (2) The department shall distribute the materials prepared under sub. (1) to
14 all hospitals and maternity homes, which shall provide a copy of the materials to the
15 parents of all children born at or on route to the hospital or maternity home, to all
16 nurse-midwives licensed under s. 441.15, who shall provide a copy of the materials
17 to the parents of all children whose birth is attended by the nurse-midwife, to all
18 circuit courts, which shall provide a copy of the materials to all persons whose legal
19 custody or physical placement rights to a child have been determined by the circuit
20 court, and to all school boards that provide instructional programs in human growth
21 and development under s. 118.019, which may include the materials in the
22 curriculum for the program.

23 SECTION 3. 767.24 (8) of the statutes is amended to read:

24 767.24 (8) NOTICE IN JUDGMENT, PROVISION OF PARENTAL DUTY INFORMATION. A
25 judgment which determines the legal custody or physical placement rights of any

ASSEMBLY BILL 930

SECTION 3

1 person to a minor child shall include notification of the contents of s. 948.31. When
2 a judgment determining the legal custody or physical placement rights of a person
3 to a minor child is granted, the court shall provide to that person a copy of the
4 informational materials prepared under s. 253.15 describing the duty of a parent to
5 provide protection, care, supervision, and support for the parent's minor child and
6 the possible legal consequences of a failure to perform that duty.

SECTION 4. Nonstatutory provisions.

8 (1) PREPARATION AND DISTRIBUTION OF INFORMATIONAL MATERIALS. By the first day
9 of the 4th month beginning after the effective date of this subsection, the department
10 of health and family services shall prepare the informational materials specified in
11 section 253.15 (1) of the statutes, as created by this act, and distribute those
12 materials as required under section 253.15 (2) of the statutes, as created by this act.

SECTION 5. Initial applicability.

14 (1) PROVISION OF INFORMATIONAL MATERIALS.

15 (a) The treatment of sections 118.019 (2) (dm) and 253.15 (2) of the statutes
16 (with respect to the provision of instructional programs in human growth and
17 development) first applies to instructional programs provided in the 2002-03 school
18 year.

19 (b) The treatment of section 253.15 (2) of the statutes (with respect to the
20 provision of informational materials to the parents of newborn children) first applies
21 to children born on the the first day of the 4th month beginning after the effective
22 date of this paragraph.

23 (c) The treatment of section ^S253.15 (2) (with respect to the provision of
24 informational materials to persons whose legal custody or physical placement rights
25 to a child have been determined by the circuit court) and 767.24 (8) of the statutes

ASSEMBLY BILL 930

1 first applies to persons whose legal custody or physical placement rights to a child
2 are determined on the first day of the 4th month beginning after the effective date
3 of this paragraph. ✓

4 (END)

Emery, Lynn

From: Dicks, Jacque
Sent: Wednesday, November 06, 2002 1:21 PM
To: LRB.Legal
Subject: Draft review: LRB-0393/1 Topic: Child abuse and neglect prevention brochure

It has been requested by <Dicks, Jacque> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB-0393/1 Topic: Child abuse and neglect prevention brochure

Emery, Lynn

From: Dicks, Jacque
Sent: Thursday, April 07, 2005 11:51 AM
To: LRB.Legal
Subject: Draft review: LRB 05-0628/1 Topic: Child abuse and neglect prevention brochure

It has been requested by <Dicks, Jacque> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 05-0628/1 Topic: Child abuse and neglect prevention brochure